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15 Counsel for the Parties

16 [Additional counsel appear on signature page.]

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 SAN FRANCISCO DIVISION

20 In re FACEBOOK BIOMETRIC
 21 INFORMATION PRIVACY LITIGATION

) Master File No. 3:15-cv-03747-JD

) CLASS ACTION

22 This Document Relates To:
 23

) FIRST JOINT REPORT REGARDING
) PROGRESS OF NOTICE

24 ALL ACTIONS.
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1 Pursuant to the Court's Order Granting Preliminary Approval of Class Action Settlement
2 at 7 (ECF No. 474) ("Preliminary Approval Order"), plaintiffs Nimesh Patel, Adam Penzen, and
3 Carlo Licata (collectively, "Plaintiffs") and defendant Facebook, Inc. ("Facebook") (collectively,
4 the "Parties"), respectfully submit this Joint Report Regarding Progress of Notice ("Joint Report")
5 and state as follows:

6 Facebook has provided the Class Notice List to Gilardi & Co. LLC ("Gilardi"), the Court-
7 appointed Settlement Administrator, as required by the Court's Preliminary Approval Order.
8 Gilardi is working with Class Counsel's outside graphic designer, who has substantial experience
9 in designing emails for maximum impact, to put together the email notices that class members will
10 receive. In line with industry standards for emails, the notice email will be programmed to be
11 responsive, so that it can detect whether the user is on large desktop screen or a small mobile screen
12 and display the notice in a manner that is both eye-catching and easy to read on the user's device.
13 Gilardi is on target to comply with the Preliminary Approval Order to provide direct email notice
14 to the Class by September 23, 2020.

15 Gilardi will have the website fully live and operational on or before September 22. Class
16 Counsel's experienced technical staff have assisted Class Counsel and Gilardi to make the claim
17 process as simple as possible, and Class Counsel's outside designer has formatted the website
18 notice to be clear and accessible to readers. Gilardi is also working with translators to create
19 Spanish-language versions of the notice documents and claims process, so as to make sure that the
20 large number of Illinois residents who primarily speak Spanish are easily able to file claims. If
21 needed, Class Counsel will be able to provide class members with assistance in English, Spanish,
22 and Polish (the three most commonly spoken languages in Illinois).

23 Gilardi has reserved a 1/8th page ad in the classified section of the *Chicago Tribune* and a
24 1/4th page ad in the main new section of the *Chicago Sun-Times*, where the Court-approved
25 publication notice will run on Wednesday, September 23. Gilardi has also scheduled a Google
26 Display Network internet campaign to run the approved banner ads from September 23 to October
27 23 targeting Illinois Facebook users 18 years of age and older and Adults 25-54 years of age.

1 On May 18, 2020 and again on July 28, 2020 for the amended settlement agreement,
2 Facebook provided the required CAFA notice.

3 The Parties' next Joint Report is due on September 16, 2020. Depending on the status of
4 Notice and the claims process, and consistent with both the Preliminary Approval Order and the
5 Court's statements at the hearing held on July 23, 2020,¹ the Parties anticipate that subsequent
6 Joint Reports will provide the Court with a status update on some or all of the following:

- 7 1. Facebook's jewel notifications to the Class;
- 8 2. Facebook's Notice to the Class via Class members' Facebook newsfeed channel;
- 9 3. Gilardi's direct email Notice;
- 10 4. Gilardi's Notice to the Class via media publication;
- 11 5. Gilardi's Notice to the Class via a targeted ad internet campaign;
- 12 6. Gilardi's creation of a dedicated website for Class members to obtain information
13 regarding, among other things, the Settlement and the ability to submit claims online;
- 14 7. Overall Notice response rates;
- 15 8. Overall Class member claims rates; and
- 16 9. Any issues Gilardi, Facebook, or Class members encounter relating to Notice.

17 Should the Court require any additional information from the Parties now or in their future
18 Joint Reports, the Parties will, of course, comply.

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28 ¹ See Transcript of Videoconference Proceedings on July 23, 2020 at 31:20-24 (ECF No. 470).

1 DATED: September 2, 2020

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5 *s/ Paul J. Geller*

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DATED: September 2, 2020

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Attorneys for Defendant

* = appearance *pro hac vice*

1 CERTIFICATE OF SERVICE

2 I hereby certify that on September 2, 2020, I authorized the electronic filing of the
3 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of
4 such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I
5 hereby certify that I caused to be mailed the foregoing document or paper via the United States
6 Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed on September 2, 2020.

9
10 s/ Paul J. Geller

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19
20 SIGNATURE ATTESTATION

21 I hereby attest that the content of this document is acceptable to all persons whose
22 signatures are indicated by a conformed signature (/s/) within this e-filed document.

23
24 s/ Paul J. Geller

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